

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDWYNA W. BROOKS d/b/a EW BROOKS :
BOOKS LLC, :
:

Plaintiff, :

-v- :

DAMON ANTHONY DASH and POPPINGTON LLC :
d/b/a DAMON DASH STUDIOS, :

Defendants. :
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JED S. RAKOFF, U.S.D.J.

On September 30, 2019, the Court ordered defendants Damon Dash and Poppington LLC to pay plaintiff Edwyna Brooks' counsel the sum of \$2,410.75 within 10 days, reflecting the full cost of the video/telephonic deposition of Dash on July 17, 2019 that Brooks' counsel had to bear. See ECF No. 49. When this was not done, the parties submitted a joint letter to the Court dated October 16, 2019. See ECF No. 53. In that letter, Brooks requested, by way of a sanction, judgment against defendants on her copyright claims. See id. Defendants, in their response, claimed that no sanction should be imposed because they simply could not afford to pay such amount at this time. See id.

Upon receipt of this letter, the Court directed defendants to send to the Court an affidavit attesting to such indigency, plus, on an ex parte basis, the relevant financial and other documents showing defendants' financial conditions. On October

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19-cv-1944 (JSR)

ORDER

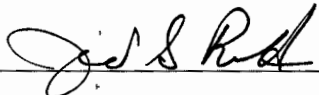
21, 2019, defendants submitted the affidavit and supporting documentation. (The affidavit will be docketed, and the documentation filed under seal.)

The documentation submitted by defendants does appear to confirm that defendants would not be able to pay the sum of \$2,410.75 at this time without incurring financial hardship. Accordingly, no sanction will be imposed at this time. Nonetheless, defendants will remain liable for the amount at issue, and, if the amount has not been paid within six months of the date hereof, Brooks may file a new motion seeking to compel the payment and the Court will conduct further inquiries at that time.

The Clerk of the Court is directed to close the entry with the docket number 53.

SO ORDERED.

Dated: New York, NY
November 9, 2019


JED S. RAKOFF, U.S.D.J.